

**HOUSE . . . . . No. 3069**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Russell E. Holmes***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the transportation of illegal firearms.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/20/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/27/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Carlos González</i>	<i>10th Hampden</i>	
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	

**HOUSE . . . . . No. 3069**

By Mr. Holmes of Boston, a petition (accompanied by bill, House, No. 3069) of Russell E. Holmes and others relative to the transportation of illegal firearms. The Judiciary.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to the transportation of illegal firearms.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Be it enacted by the Senate and House of Representative in General Court assembled, and  
2 by the authority of the same, as follows:

3 SECTION 1. Chapter 269 of the General Laws, as so appearing, is hereby amended by  
4 inserting after Section 10k the following sections:-

5 Section 10L:

6 (1) Firearm shall mean any pistol, revolver, rifle or smoothbore arm from which a shot,  
7 bullet or pellet can be discharged. (2) Owner shall mean a person, other than a lien holder,  
8 having registration to the vehicle.

9 Section 10M:

10 The owner of record of any motor vehicle that contains an illegal firearm shall be liable  
11 to the city for an administrative penalty of two thousand dollars (\$2,000) plus any towing and

12 storage fees applicable under sections 7,8, & 10 of chapter 135. If the violation takes place  
13 within 500 feet of the boundary line of a public park or elementary or secondary school, the  
14 penalty shall be three thousand dollars (\$3,000) plus towing and storage fees. Any such vehicle  
15 shall be subject to seizure and impoundment pursuant to this section.

16 Section 10N:

17 Whenever a police officer has probable cause to believe that a vehicle is subject to  
18 seizure and impoundment pursuant to this section, the police officer shall provide for the towing  
19 of the vehicle to a facility controlled by the city or its agents. Before or at the time the vehicle is  
20 towed, the police officer shall notify any person identifying himself as the owner of the vehicle  
21 at the time of the alleged violation and concurrent process under this law and sections 7, 8, & 10  
22 of chapter 135.

23 If such property remains unclaimed in the possession of such police department or  
24 member thereof for one month and the owner thereof or his place of abode or business is  
25 unknown, or if the owner and his place of abode or business are known and the owner, after  
26 receipt by registered mail of a written notice from such department or member to take possession  
27 of said property, refuses or fails for a period of ten days following said receipt so to do, such  
28 department may take ownership of the vehicle or sell the same, excepting money unclaimed, by  
29 public auction or any other licensed auction service, including sale over the Internet, notice of  
30 the time and place of sale, with a description of the property to be sold, first being given by  
31 publishing the same once in each of three successive weeks in a newspaper published in such  
32 city.

33 Section 10O:

34 All proceeds from the sale of a said vehicle shall first be applied to any outstanding fines  
35 or fees assessed against the owner of the vehicle that are related to the offense for which it is in  
36 the possession of the Department. Subsequent proceeds beyond those that cover the cost of  
37 assessed fees and fines shall be deposited into the Commonwealth's Law Enforcement Trust  
38 Fund in accordance with section 47 of chapter 94C. Vehicles deemed un-sellable may be crushed  
39 or otherwise destroyed by the Department under the same guidelines referenced above, and may  
40 be sold as scrap metal, the proceeds of which shall be deposited into the Law Enforcement Trust  
41 Fund.